

Notice of Allowability	Application No.	Applicant(s)	
	08/931,219	FALO ET AL.	
	Examiner	Art Unit	
	Michael C. Wilson	1632	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 7-12-06.
2. The allowed claim(s) is/are 29-32,34-40,42-47,49-55,57-61,63-91,93-107 and 109-114.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claims 1-28, 33, 41, 48, 56, 62, 92, 108 have been canceled. Claims 113 and 114 have been added. Claims 29-32, 34-40, 42-47, 49-55, 57-61, 63-91, 93-107, 109-114 are pending.

Claim Rejections - 35 USC § 112

The rejection of claims 29-32, 34-40, 42-47, 49-55, 57-61, 63-91, 93-107 and 109-112 under 35 U.S.C. 112, first paragraph, enablement has been withdrawn in view of applicants' arguments and the board's decision.

Claim Rejections - 35 USC § 102

The rejection of claims 29, 68, 69, 72-74, 82, 84, 85, 95 and 100 under 35 U.S.C. 102(a) as being anticipated by Webster (Vaccine, Dec. 1994, Vol. 12, No. 16, pg 1495-1498) as supported by Robinson (Seminars in Immunology, 1997, Vol. 9, pg 271-283), Kuby (Immunology, 1992, W.H. Freeman and Company, New York, pg 208) and Peachman (Methods, 2003, Vol. 31, pg 232-242) has been withdrawn in view of applicants' arguments and the board's decision.

The rejection of claims 29, 68, 69, 72-74, 82, 84, 85, 95 and 100 under 35 U.S.C. 102(a) as being anticipated by Haynes (AIDS research and human retroviruses, 1994, Vol. 10, Supplement 2, pg S43-45) or Haynes (Vaccine, 1994, Cold Spring Harbor, Modern approaches to new vaccines including prevention of AIDS, pg 65-70),

as supported by Robinson (Seminars in Immunology, 1997, Vol. 9, pg 271-283), Kuby (Immunology, 1992, W.H. Freeman and Company, New York, pg 208) and Peachman (Methods, 2003, Vol. 31, pg 232-242) has been withdrawn in view of applicants' arguments and the board's decision.

The rejection of claims 29, 68, 69, 72-74, 82, 84, 85, 95 and 100 under 35 U.S.C. 102(b) as being anticipated by the abstract presented by Haynes at the 11th annual meeting on modern approaches to new vaccines in September 1993 as supported by Robinson (Seminars in Immunology, 1997, Vol. 9, pg 271-283), Kuby (Immunology, 1992, W.H. Freeman and Company, New York, pg 208) and Peachman (Methods, 2003, Vol. 31, pg 232-242) has been withdrawn in view of applicants' arguments and the board's decision.

The rejection of claims 29, 68, 69, 72-74, 82, 84, 85, 95 and 100 under 35 U.S.C. 102(a) as being anticipated by Lai (DNA and cell biology, July 1995, Vol. 14, No. 7, pg 643-651) as supported by Robinson (Seminars in Immunology, 1997, Vol. 9, pg 271-283), Kuby (Immunology, 1992, W.H. Freeman and Company, New York, pg 208) and Peachman (Methods, 2003, Vol. 31, pg 232-242) has been withdrawn in view of applicants' arguments and the board's decision.

The rejection of claims 29, 68, 69, 71, 72, 74, 82, 84, 98 and 100 under 35 U.S.C. 102(b) as being anticipated by Hui (J. Immunological Methods, May 16, 1994, Vol. 171, pg 147-155) as supported by Robinson (Seminars in Immunology, 1997, Vol. 9, pg 271-283) and Kuby (Immunology, 1992, W.H. Freeman and Company, New York, pg 208) has been withdrawn in view of applicants' arguments and the board's decision.

The rejection of claims 29-32, 34, 40, 44-47, 49, 55, 59-61, 63, 68-85 and 91 under 35 U.S.C. 102(e) as being anticipated by Weiner (US Patent 5,593,972) of record as supported by Peachman (Methods, 2003, Vol. 31, pg 232-242) has been withdrawn in view of applicants' arguments and the board's decision.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wilson who can normally be reached at the office on Monday, Tuesday, Thursday and Friday from 9:30 am to 6:00 pm at 571-272-0738.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on 571-272-0735.

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The official fax number for this Group is (571) 273-8300.

Michael C. Wilson



MICHAEL WILSON
PRIMARY EXAMINER